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# Instructions

# Divorce - No Minor Children

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## Petition

### Caption

In the caption of the **Petition**, print your full name (first name, middle initial and last name) above the word **PETITIONER**. Your spouse is the **RESPONDENT**. Print your spouse's full name above the word **RESPONDENT**. Mark only one box with an **X** to report if the State is a party to the case or not.

A clerk in the Family Court Office will fill in the case number when you file the action. At that time the clerk will also stamp the name of the **Judge** to whom the case has been assigned.

In the section just below the case number, you must also indicate with an **X** if you are requesting a **Divorce** or **Legal Separation**.

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### Document

#### Section I.

**Paragraph 1:** Print your full name, social security number, date of birth, full address, and occupation (include if the party is a student, disabled, or unemployed).

**Paragraph 2:** Print your spouse's full name, social security number, date of birth, full address, and occupation. Your spouse's social security number can be found on the first page of an income tax return. If you have made an effort to locate the appropriate information (such as a social security number) but are unable to find it, write "unknown" in the blank.

**Paragraph 3:** Print the date of your marriage to the RESPONDENT and the city and state where your marriage took place.

**Paragraph 4:** Read through this paragraph. Mark an **X** in the blank **if all** statements are true. If any of the statements are false, you must STOP completing this form and complete the forms labeled **Divorce-With Minor Children**.

**Paragraphs 5 and 6:** Mark an **X** in the correct box to confirm that you, your spouse, or both have been residents of Waukesha County for more than 30 days, and residents of the State of Wisconsin for more than six months before the day the case is filed.

**Paragraph 7** To proceed with divorce in Wisconsin, there must be an allegation that the marriage is irretrievably broken. For a legal separation, an allegation must be made that the marriage is broken. Mark an **X** in the appropriate box. If you are filing for a legal separation, you must also give the reasons why you believe the marriage is broken on the lines that follow.

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**Paragraph 8:** You must inform the court if there are other actions for divorce, annulment, or legal separation currently pending or ever started before in any other court. Mark an **X** in the first box if there has never been a divorce, legal separation, or annulment action filed with regard to this marriage. **If there is an action currently pending, the court must be informed about that action.** If there have been any previous actions filed, list the County and State where the previous action was started, the case number of that action, and when the action was dismissed (at least the year of dismissal).

**Paragraph 9:** This paragraph informs the court whether you and/or your spouse were previously married and if so, when and how that marriage was terminated. If neither were previously married, mark an **X** in the first box. If you or your spouse were previously married, then you must provide information on prior marriages for you and/or your spouse and indicate the following information:

- To whom you or your spouse were married
- How that marriage was terminated (e.g. divorce/annulment/death)
- Date of termination
- Location the judgment was entered.

If either of you were married more than once before, mark an **X** for yes, turn to page five, and continue listing all marriages. If you were not married more than once, mark an **X** for no, remove and throw away page 5, and go on to paragraph 10.

**Paragraph 10:** List the street addresses of any real estate you and/or your spouse own. If you own more than two properties, make an **X** in the box and write the additional addresses on a separate page.

**Paragraph 11:** Mark an **X** in the box that indicates whether you and your spouse have entered into any written agreements regarding maintenance or property division. A copy of the agreement must be attached to the **Petition**.

## Section II.

### Petitioner's Request

The final 2 sections to complete are what you are requesting of the court. **Note:** If you request something in A or B, it does not necessarily mean that you have to make that same request at the time of trial or in final settlement negotiations.

**A:** Mark the type of action you have brought before the court.

**B:** Mark all that apply in Section B that you are requesting of the court.

### Restraining Order

Carefully read this section. These provisions become binding on you when you file the action, and become binding on the RESPONDENT once he or she has been served with the forms.

After you have completed the **Petition**, date, and sign, make the necessary copies, and staple the **Summons** on top of the **Petition**.